

REMARKS

Status of Claims:

Claims 11-40 remain for examination.

Claim Objections:

Claims 1, 12 and 23 are objected to for the reasons stated in paragraph 2 of the outstanding office action. These claims have been amended following the suggestions of the examiner and are now believed to be free of any ground of objection.

Rejection under Sec. 112 Par. 2:

Claims 8, 9, 20, 30, 31 and 36 stand rejected under 35 U.S.C. § 112 as being indefinite for the reasons stated in paragraph 5 of the outstanding office action.

Applicants' specification indicates that when multiple bidders in the same category are present, only one of them is selected even all bidders submit an amount adequate for settling the contract as offered in the bid price by each sponsor in the competition. See the quote below from page 27 beginning at line 8 of the application as filed.

The trading information process unit 161 manages a contract based on the advertisement opportunity information 60 and the trading status information 70. At the time of closing a contract, if "competition existing" is notified as competition status by the competition check unit 162, the trading information process unit 161 selects only one sponsor from sponsors in the competition, even if an amount adequate for settling a contract is offered as a bid price 74-2 by each sponsor in the competition

Implicit in this description, and consistent with applicants' goal to maximize profits, it is understood that if some of the sponsors do not match the bid price, and some do, that the sponsor (or sponsors) who do match the bid price would be selected over those that did not. Then, if multiple sponsors match the bid price, only one is selected.

The explanation is believed to be consistent with the examiner's assumptions set forth on page 3 of the office action. However, it is also consistent with the understanding that even the first one of the multiple advertisements may be subject to competition.

Prior Art Rejection:

Claims 1-7, 10-18, 21-29, 32-35 and 37-40 stand rejected under 35 U.S.C. § 102(b) as anticipated by Roth (WO 98/34189). Further, claims 8, 9, 19, 20, 30, 31 and 36 stand rejected under 35 U.S.C. § 103 as unpatentable over Roth.

The Examiner's rejections are respectfully traverse.

In order to make a meaningful comparison between the teachings of Roth and applicants' claims, it is necessary to set forth the correspondence between applicants' recited sponsor/media and the corresponding elements in Roth. Applicants' sponsor would appear to correspond to Roth's advertisers which generate "proposed bids". In both instances, the sponsor and the advertisers are attempting to distribute advertisement data to the end user.

The corresponding element of applicants' "media" to the corresponding structure in Roth is less clear. The media presents the advertisement opportunity and in that sense may correspond to Roth's client browser 11 or perhaps the advertising web server system 16. Applicants' media also distributes the advertisement data to the end user, and in that sense, Roth's advertising web server system 16 seems to fit most closely. However, there is an important distinction between applicants' recited invention and the teachings of Roth. For example, in claim 1 applicant recites a distribution accepting unit which receives information from the media representing that distribution of the advertisement data is appropriate or inappropriate. In other words, the media may reject the advertisement data as being inappropriate and thus will not accept the advertisement data and thus not permitted to be the subject of the trade process (the trading being performed in the trade process unit). Moreover, applicant recites that the distribution accepting unit accepts the application for distribution for the advertisement data from the sponsor only after it is determined that the advertisement data is appropriate as determined by the media. In other words, the sponsors

proposed advertisement data is first approved by the media before it is permitted to be subject to the trading process—that is before it is permitted to make a formal bid.

Roth does not disclose any such corresponding teaching. Indeed, the bidding agents 30 A-B...of Roth receive the proposed bids from the bid input system 18 and each bidding agent handles, for example, one proposed bid. Each bidding agent then views the view-op provided to it by the advertising web server system 16 whenever the client browser accesses a web page 12 from the website 14. The bidding agents determine whether the characteristics of the view-op fit within the various criteria which have been established by the advertisers (a viewer who has accessed three financial web pages and an automotive web page within the last week as stated at page 12, l. 13-15) and if these characteristics are satisfied, the bidding agent makes a formal bid to the bid selection logic 16C. However, the bid selection logic 16C merely selects the highest bid among the bidding agents as explained on page 9, line 26 through page 10, l. 3 of Roth. The bidding selection logic does not receive any input from any source as to whether the advertising subject matter to be sent by the winning bid is appropriate or inappropriate. The client browser does not supply such information to the advertisement web server system 16 nor is such information obtained elsewhere. Further, according to applicants' claims, the distribution accepting unit (which has no counterpart in Roth) accepts the application for distribution of the advertisement data only after it is determined that the information is appropriate to the media. Not only does Roth not disclose any teaching of the bid select logic utilizing an appropriate/inappropriate flag in the selection process but moreover, applicants' claim would require that the appropriate/inappropriate flag or logic take place before the bid is made by the bidding agent 30A-30Z. Thus, only bids which are already deemed to be appropriate as determined by the media are permitted to take place in the trading process as implemented by the trade processing unit.

Similar limitations as discussed above with regard to claim 1 appear in all of applicants' independent claims.

Inasmuch as Roth does not disclose specific recited elements in applicants' independent claims, Roth may not be utilized as an anticipatory reference under 35 U.S.C. § 102. In order for a reference to anticipate a claim under 35 U.S.C. § 102, the reference must

disclose each and every claim element. As explained above, this is certainly not the case here, and thus the section 102 rejection must be withdrawn.

As is readily apparent, Roth does not disclose nor even suggest a distribution accepting unit or anything comparable thereto which the appropriateness or inappropriateness of the advertising subject matter is decided prior to permitting the bidding agents to submit bids to the bid selection logic 16C. As such, Roth does not make obvious applicants' recited invention.

Conclusions:


Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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